

APPEAL NO. 031310
FILED JUNE 16, 2003

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on March 29, 2003. The hearing officer determined that: (1) the appellant (claimant) did not sustain a compensable repetitive trauma injury, with a date of injury of _____; (2) the claimant did not sustain an injury on _____, to the cervical spine, left shoulder, left elbow, and left hand; and (3) the claimant does not have disability. The claimant appealed each of the hearing officer's determinations. The respondent (carrier) urges affirmance.

DECISION

The decision and order of the hearing officer have become final pursuant to Section 410.169.

A written request for appeal must be filed within 15 days of the date of receipt of the hearing officer's decision, excluding Saturdays, Sundays, and holidays listed in Section 662.003 of the Texas Government Code. Section 410.202(a) and (d). Pursuant to Tex. W.C. Comm'n, 28 TEX. ADMIN. CODE § 143.3(c) (Rule 143.3(c)) an appeal is presumed to have been timely filed if it is mailed not later than the 15th day after the date of receipt of the hearing officer's decision and received by the Texas Workers' Compensation Commission (Commission) not later than the 20th day after the date of receipt of the hearing officer's decision. The claimant states in her appeal that she received the hearing officer's decision on April 15, 2003. Accordingly, the last date for the claimant to timely file an appeal was May 8, 2003, and the appeal must have been received by the Commission by May 15, 2003. Commission records indicate that the claimant's appeal was received by the El Paso field office and the Chief Clerk of Proceedings in Austin, Texas, on May 28, 2003. The appeal is, therefore, untimely.

Because the appeal is untimely, the jurisdiction of the Appeals Panel was not properly invoked and the decision and order of the hearing officer has become final pursuant to Section 410.169.

The true corporate name of the insurance carrier is **TRAVELERS INDEMNITY COMPANY** and the name and address of its registered agent for service of process is

**CT CORPORATION SYSTEM
350 NORTH ST. PAUL STREET
DALLAS, TEXAS 75201.**

Edward Vilano
Appeals Judge

CONCUR:

Chris Cowan
Appeals Judge

Robert W. Potts
Appeals Judge